

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 ) CASE NO. MJ 13-385  
Plaintiff, )  
 )  
v. )  
 ) DETENTION ORDER  
ROGER ALLEN YBARRA BERGER, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Offense charged: Conspiracy to Possess Methamphetamine and Heroin with Intent to  
Distribute; Possession with Intent to Distribute Methamphetamine and Heroin

Date of Detention Hearing: August 6, 2013.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
that no condition or combination of conditions which defendant can meet will reasonably  
assure the appearance of defendant as required and the safety of other persons and the  
community.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged in the District of Montana (CR13-36 BLG-SEH) with a drug offense, the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. § 3142(e). In addition, the two offenses with which defendant is charged each carry mandatory minimum terms of imprisonment.

2. Defendant has a significant substance abuse history and an unstable residence and employment history. His proposed release address is with the Salvation Army Rehabilitation Center in Seattle.

3. There are five failures to appear with bench warrant activity in his criminal history since 2010, with active, extraditable warrants in Washington State.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;
3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver

01 the defendant to a United States Marshal for the purpose of an appearance in connection  
02 with a court proceeding; and

- 03 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
04 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
05 Officer.

06 DATED this 6th day of August, 2013.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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